

REMARKS/ARGUMENTS

The Applicants thank the Examiner for his acknowledgement that Claims 4, 7-8, 10-26, and 42-45 are directed toward allowable subject matter.

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Claim Rejections – 35 USC §102***Claims 1 and 38***

In sections 1 and 2 of the Office Action, the Examiner rejected Claims 1-3, 5-6, 9, and 38-41 under 35 USC 102(e) as being anticipated by US Patent No. 6,690,657 to Lau et al., herein referred to as the “Lau patent.”

In section 2 of the Office Action, the Examiner rejected Claims 1 and 38. Specifically, the Examiner stated that “Lau et al. teaches … a secondary base repeater node operative to receive an information signal … and to receive a command signal including a direction command from an originating base station having a command signal transmitter, and to transmit the information signal in at least one of three directions … the direction in which the information signal is transmitted being determined by the direction command signal …” The Examiner referenced col. 4, lines 6-52, col. 5, lines 31-67, col. 6, lines 1-52, col. 8, lines 50-67 and col. 9, lines 1-24 of the Lau patent as teaching all of the elements of Claims 1 and 38. The Applicants respectfully disagree that the Lau patent anticipates Claims 1 and 38.

In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

The Applicants submit that the Lau patent does not teach, disclose or suggest all of the elements of Claims 1 and 38. Specifically, the Applicants assert that the Lau patent does not teach, disclose or suggest “a secondary base repeater node operative to receive an information signal … and to receive a command signal including a direction

command from an originating base station having a command signal transmitter, and to transmit the information signal in at least one of three directions ... the direction in which the information signal is transmitted being determined by the direction command signal ...” as is claimed in Claim 1. The Applicants note that similar language is used in Claim 5 38.

The Examiner did not specifically refer to which portions of the cited sections of the Lau patent he believed taught each element of Claims 1 and 38. Instead, the Examiner simply repeated the language of Claim 1, and stated that the Lau patent teaches these elements in col. 4, lines 6-52, col. 5, lines 31-67, col. 6, lines 1-52, col. 8, lines 50-10 67 and col. 9, lines 1-24. The Applicants assert that the Lau patent does not teach all the elements of Claims 1 and 38.

Claim 1 claims, in part, “a secondary base repeater node operative to receive an information signal ... and to receive a command signal including a direction command from an originating base station having a command signal transmitter, and to transmit the 15 information signal in at least one of three directions ... the direction in which the information signal is transmitted being determined by the direction command signal ...”

Col. 4, lines 6-52 of the Lau patent discloses a network having multiple transmitters and receivers and multiple channel-shifting repeaters. The Lau patent teaches that “[w]hen implemented according to the following description, the preferred 20 embodiments can provide an infrastructure backbone supporting a high-data-rate universal radio interface for almost any type of digital data,” see col. 4, lines 41-44. The Applicants submit that this section of the Lau patent does not teach, disclose or suggest “a secondary base repeater node operative to receive an information signal ... and to receive a command signal including a direction command from an originating base 25 station having a command signal transmitter, and to transmit the information signal in at least one of three directions ... the direction in which the information signal is transmitted being determined by the direction command signal ...”

Col. 5, lines 6-52 of the Lau patent illustrates a general embodiment of the invention. In col. 5, lines 31-34 the Lau patent teaches that “[r]epeaters 68 and 78 have a 30 single task to perform: they receive signals on a first channel (CH1) and retransmit these signals on a second channel (CH2). Further, in col. 5, lines 36-38, the Lau patent teaches

“[i]n a system with added complexity, the T/R modules can selectively receive on either CH1 or CH2.” The Applicants assert that the Lau patent teaches repeaters that transmit and receive on different channels. The Applicants submit that this does not anticipate “a repeater node operative … to transmit the information signal in at least one of three directions” as is claimed by Claim 1. Thus, the Applicants submit that this section of the Lau patent does not teach, disclose or suggest “a secondary base repeater node operative to receive an information signal … and to receive a command signal including a direction command from an originating base station having a command signal transmitter, and to transmit the information signal in at least one of three directions … the direction in which the information signal is transmitted being determined by the direction command signal …” as is claimed in Claim 1.

Col. 6, lines 1-52 of the Lau patent also teaches that the repeaters can transmit on different channels. Further, starting at line 38, the Lau patent teaches that “signal energy can be concentrated in the network and minimized outside of the network,” by fitting each repeater “with an antenna having a beam pattern appropriate for its physical location in a building.” The Applicants submit that the Lau patent teaches that different antennas should be used on different repeaters to control the direction of the signal from each repeater. In contrast, Claim 1 claims, in part, “a secondary base repeater node operative …to transmit the information signal in at least one of three directions … the direction in which the information signal is transmitted being determined by the direction command signal …” Thus, the Applicants submit that this section of the Lau patent does not teach, disclose or suggest “a secondary base repeater node operative to receive an information signal … and to receive a command signal including a direction command from an originating base station having a command signal transmitter, and to transmit the information signal in at least one of three directions … the direction in which the information signal is transmitted being determined by the direction command signal …” as is claimed in Claim 1.

Col. 8, lines 50-67 and col. 9, lines 1-24 of the Lau patent teaches a control link. However, the Applicants submit that the control link of the Lau patent does not anticipate the command signal of Claims 1 and 38. Claim 1 claims, in part, “a secondary base repeater node operative to … receive a command signal including a direction command

from an originating base station having a command signal transmitter.” The Lau patent teaches in col. 9, lines 53-55 that the command link allows the base station to define the receive and transmit channels for each repeater. Further, col. 9, lines 63-66 teaches that the control link can be used by the base station to schedule when a repeater should scan 5 receive channels for inference sources. Additionally, col. 9, lines 6-7 teaches that the control link can be used to provide synchronization and timing cues. The Applicants submit that while the Lau patent does teach a control link, it does not teach that the control link includes “a direction command,” wherein “the direction in which the information signal is transmitted [is] determined by the direction command signal,” as is 10 claimed in Claim 1.

Therefore, for the reasons given above, the Applicants submit that the Lau patent does not teach, disclose or suggest all of the elements claimed in Claims 1 and 38. Thus, the Applicants submit that Claims 1 and 38 are patentable over the art cited by the Examiner. If the Examiner disagrees with the conclusions drawn by the Applicants, the 15 Applicants respectfully request that the Examiner specifically point out how he is interpreting the Lau patent to teach “a secondary base repeater node operative to receive an information signal … and to receive a command signal including a direction command from an originating base station having a command signal transmitter, and to transmit the information signal in at least one of three directions … the direction in which the 20 information signal is transmitted being determined by the direction command signal …” as is claimed in Claim 1.

Claim 9

On pages 3 and 4 of the Office Action, the Examiner rejected Claim 9, wherein he stated 25 that the Lau patent (in col. 8, lines 50-67 and col. 9, lines 1-24) teaches “the networked and field addressable distributed antenna system as set forth in claim 1, wherein the direction command from the command signal includes a direction command for a plurality of secondary base repeater nodes in order to cause the secondary base repeater nodes to transmit the information signal along a predetermined path through the 30 megacell.” The Applicants respectfully disagree with the conclusion drawn by the Examiner.

As stated above, in reference to Claims 1 and 38, the Applicants submit that the Lau patent does not teach, disclose or suggest “the direction command from the command signal.” Further, the Applicants submit that the Lau patent does not teach, disclose or suggest that the secondary base repeater nodes “transmit the information signal along a predetermined path through the megacell,” as is claimed in Claim 9. If the Examiner disagrees with the Applicants, the Applicants respectfully request the Examiner indicate how he is interpreting these sections of the Lau patent to teach transmitting the information along a predetermined path. The Applicants submit that the Lau patent teaches transmitting information at predetermined frequencies (i.e. channels), but not along a predetermined path. Thus, the Applicants submit that the Lau patent does not teach, disclose or suggest “the direction command from the command signal includes a direction command for a plurality of secondary base repeater nodes in order to cause the secondary base repeater nodes to transmit the information signal along a predetermined path through the megacell,” as is claimed in Claim 9.

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Claims 2-26 and 39-45

For the reasons given above, the Applicants submit that Claims 1 and 38 are patentable over the cited prior art. Claims 2-26 depend on Claim 1. Therefore, the Applicants submit that Claims 2-26 are also patentable over the cited prior art at least through their dependence upon an allowable base claim. Claims 39-45 depend on Claim 38. Therefore, the Applicants submit that Claims 39-45 are patentable over the cited prior art at least through their dependence upon an allowable base claim.

Concluding Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 1-26 and 38-45 are in allowable condition. Reconsideration is respectfully requested.

5 Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this 10 response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

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Respectfully submitted,

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Date


Cary Tope-McKay
Registration No. 41,350

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Cary Tope-McKay
TOPE-MCKAY & ASSOCIATES
23852 Pacific Coast Hwy. #311
Malibu, Ca 90265
30 Tel: 310.589.8158
Mobile: 310.383.7468
Fax: 310-943-2736
E-mail: cmckay@topemckay.com